



CONTESTED DIVORCE (For Plaintiff & Defendant)

An Informational Guide to a North Dakota Civil Court Process

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota courts. The information provided in this informational guide is not intended for legal advice but only as a general guide to a civil court process.

Carefully read this information and any instructions, laws, or court rules to which you are referred. If you are unsure if this information suits your circumstances, consult a lawyer.

You may go to court without a lawyer, but you must abide by the state or federal laws that apply to your case, the appropriate court rules, including North Dakota Rules of Civil Procedure, North Dakota Rules of Court, North Dakota Administrative Rules and Orders, and any local court rules. Links to the rules and state laws can be found at www.ndcourts.gov.

A glossary with definitions of legal terms is available at www.ndcourts.gov/ndlshc.

This information is not a complete statement of the law. This covers basic information about the process of contested divorce in a North Dakota District Court. The Center is not responsible for any consequences that may result from the information provided. The information cannot replace the advice of competent legal counsel licensed in the state.

This informational guide to contested divorce in North Dakota is made up of two sections:

The first section gives general information about contested divorce.(Pages 4-10)

The second section gives information about the basic contested divorce process from beginning to end.(Pages 11-24)

WARNING – Divorce can have serious long-term legal and financial consequences. It is strongly recommended that you consult a lawyer and carefully consider all of your options before you represent yourself in a divorce action.

When you represent yourself, you are held to same requirements and responsibilities as a lawyer, even if you don't understand the rules or procedures.

This informational guide gives only the basics of the process. If you decide to represent yourself, you will need to do additional research to prepare.

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INFORMATION ABOUT CONTESTED DIVORCE IN NORTH DAKOTA

WHAT IS A CONTESTED DIVORCE?

If you and your spouse **are not** in agreement on every issue in your divorce, you have a contested divorce.

DOES THE ND LEGAL SELF HELP CENTER HAVE CONTESTED DIVORCE FORMS?

No, the ND Legal Self Help Center does not have a packet of forms for contested divorce. If you decide to represent yourself, you will need to create your own contested divorce documents. **The names and descriptions of the documents you will need to create are found throughout this guide.**

Although the ND Legal Self Help Center does not have forms or instructions for a contested divorce action in North Dakota district court, a variety of General-Use forms are available in the Guide to a Civil Action. You may find the General-Use forms of interest as a starting point for creating your own divorce documents.

The Guide to a Civil Action is available at www.ndcourts.gov/ndlshc by clicking on the "Guide to Civil Action" link. Links to the General-Use forms are located at the **end** of the Guide. You must scroll to the end of the Guide to find the active links to the forms.

You may find the forms in the Legal Services of North Dakota Family Law Manual of interest. The Legal Services of North Dakota Family Law Manual contains a variety of divorce forms that were created for lawyers to use as examples in family law cases. The Legal Services of North Dakota website is www.legalassist.org.

(References to the Legal Services of North Dakota Family Law Manual are for your convenience only. The ND Legal Self Help Center does not endorse, warrant, or accept responsibility for the content or uses of the Family Law Manual. You must independently determine the legal sufficiency of the forms in the Family Law Manual. Use at your own risk.)

IS THERE HELP AVAILABLE FOR CREATING DIVORCE DOCUMENTS?

If you would like assistance creating your documents, consult a lawyer licensed to practice in North Dakota. Ask the lawyer about Limited Legal Representation. Lawyers licensed to practice in North Dakota may agree to help you with part of your divorce, such as preparing legal

documents, while you handle the rest of the divorce. You and the lawyer must agree in writing to Limited Legal Representation.

WHAT ARE THE DEFINITIONS OF SOME OF THE COMMONLY USED TERMS IN A DIVORCE ACTION?

*****The following definitions are intended to be helpful, BUT they are not intended to constitute legal advice OR address every possible meaning of the terms in this section.*****

Assets – everything owned by owned by either spouse, whether owned jointly or individually. Assets include, but are not limited to, real property, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

Decision making responsibility – the responsibility to make decisions concerning the child. The term may refer to decisions on all issues or on specific issues, but not child support issues.

Debts – (also called Liabilities) everything owned by either spouse, whether owned jointly or individually. Debts include, but are not limited to, mortgages, credit cards, student loans and car loans.

Deploying or deployed parent – a deploying or deployed parent is a uniformed service member who has been notified of orders of movement or mobilization for more than ninety days but less than eighteen months AND the orders are designated as unaccompanied, not authorized for dependent travel, or do not permit family members to move to the deployment location.

Equitable distribution – (also called Equitable Division) marital property is distributed equitably (fairly) in a divorce. A court would make an equitable distribution based on the following factors:

- Respective ages of the spouses;
- Earning ability;
- Duration of the marriage and conduct of the spouses during the marriage;
- Station in life;
- Circumstances and necessities of the spouses;
- Health and physical condition;
- Financial circumstances as shown by the property owned at the time;
- Value of the property owned at the time;
- Income-producing capacity of the property owned at the time, if any;
- Whether the property was accumulated before or after the marriage; and
- Any other matters that may be material.

Generally, the factors above are applied when spouses do not agree. However, a court has the authority to decide whether a settlement agreement between the spouses was entered into as a result of mistake, duress, menace, fraud, or undue influence.

Home state – the state in which a child lived with a parent for at least six consecutive months immediately before the commencement of a child custody proceeding. In the case of a child less than six months of age, home state means the state in which the child lived from birth with a parent. A period of temporary absence of any of the mentioned persons is part of the period.

Irreconcilable differences – (also called No Fault) substantial reasons for not continuing the marriage and which make it appear the marriage should be dissolved. The court need only find that irreconcilable differences exist.

Marital property – all of the assets and debts owned by either spouse, whether owned jointly or individually.

Obligor – the person ordered by the court to pay child support or spousal support.

Obligee – the person receiving child support or spousal support ordered by the court.

Parental rights and responsibilities – all the rights and responsibilities a parent has concerning the parent's child.

Parenting plan – a written plan describing each parent's rights and responsibilities.

Parenting schedule – the schedule of when the child is in the care of each parent.

Parenting time – the time when the child is to be in the care of a parent. (Also known as visitation.)

Personal property – every kind of property that is not real property. (See real property definition below.) Personal property includes, but is not limited to, cars, furniture, bank accounts, jewelry, life insurance policies, businesses, and retirement plans.

Primary residential responsibility – a parent with more than fifty percent of the residential responsibility.

Qualified Domestic Relations Order (QDRO) – an order of the court that directs the administrator of a retirement plan to divide retirement assets as granted in a divorce judgment. There are many different QDRO's that are specific to the type of retirement plan. For more information about QDRO's, go to <http://www.dol.gov/ebsa/publications/qdros.html>.

***If you divide a retirement asset between spouses, a QDRO is required. The spouses MUST present a proposed QDRO to the court to consider and sign. The court WILL NOT draft a QDRO

for you. The ND Legal Self Help Center DOES NOT have QDRO forms or instructions. Consulting a lawyer is strongly recommended when dividing a retirement asset!***

Real property – land either with or without buildings upon it. For example, a home is real property.

Residency requirement – the amount of time a spouse must live in North Dakota before they can ask a North Dakota district court to grant a divorce. The residency requirement for North Dakota is 6 months.

Residential responsibility – a parent's responsibility to provide a home for the child. (Also known as custody.)

WHO ARE THE PARTIES IN A DIVORCE?

Plaintiff (or Petitioner) – The spouse who starts the contested divorce proceeding by serving a summons and complaint for divorce on the other spouse.

Defendant (or Respondent) – The spouse who is served the summons and complaint for divorce by the other spouse.

WHAT IS THE NORTH DAKOTA RESIDENCY REQUIREMENT FOR DIVORCE?

The Plaintiff must be a North Dakota resident for six consecutive months before the divorce.

WHAT ARE NORTH DAKOTA LAWS AND RULES RELATED TO DIVORCE?

Chapter 14-05 of the North Dakota Century Code governs divorce. Review the entire Chapter. <http://www.legis.nd.gov/cencode/t14c05.html>

Chapter 14-09 of the North Dakota Century Code governs parenting rights and responsibilities, such as custody, visitation, and child support. Review the entire Chapter. <http://www.legis.nd.gov/cencode/t14c09.html>

Chapter 14-14.1 of the North Dakota Century Code governs which state can make decisions about child custody issues and enforce child custody orders. You will need to determine if a North Dakota District Court can make decisions about child custody in your divorce. <http://www.legis.nd.gov/cencode/t14c14-1.html>

Chapter 14-05, 14-09 and 14-14.1 are Chapters within Title 14 of the North Dakota Century Code. There are many other laws related to families in Title 14. You may find them of interest. <http://www.legis.nd.gov/cencode/t14.html>

The North Dakota Rules of Civil Procedure apply to civil matters in North Dakota district courts. The rules are found at www.ndcourts.gov/rules. Click on the “Civil Procedure, North Dakota Rules of” link.

The North Dakota Rules of Court apply to civil matters in North Dakota district courts. The rules are found at www.ndcourts.gov/rules. Click on the “Rules of Court, North Dakota” link. See particularly:

- Rule 8.2 (Interim Orders),
- Rule 8.3 (Case Management),
- Rule 8.4 (Divorce Summons), and
- Rule 8.5 (Summary Divorce).

The North Dakota Rules of Evidence apply to civil matters in North Dakota district courts. The rules are found at www.ndcourts.gov/rules. Click on the “Evidence, North Dakota Rules of” link.

North Dakota case law is useful for interpreting what the law means for your individual circumstances. When the decision of a case is appealed from a North Dakota District Court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.

One way to research case law related to divorce, is to use the print version of the North Dakota Century Code to find the short summaries of case law after each Section of the Century Code. The case law summaries are located directly following the text of the Century Code Section. To view the full text of the opinion, go to www.ndcourts.gov, click on the “Opinions” link and enter the case name or case citation.

Laws constantly change through legislation, administrative rulings and case law (court decisions). To determine how a law applies to your situation, review the applicable law or laws, administrative rulings and case law (court decisions). Notes of case law (court decisions) related to North Dakota law can be found in the print editions of the North Dakota Century Code. Print editions of the North Dakota Century Code are found in many North Dakota public and academic libraries.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

WHAT ARE LEGAL REASONS (GROUNDS) FOR DIVORCE?

- Adultery
- Extreme cruelty
- Willful desertion
- Willful neglect
- Abuse of alcohol or controlled substance
- Conviction of a felony
- Irreconcilable differences (no fault)

Irreconcilable differences is also called a no fault divorce. Neither spouse is required to prove the other spouse is at fault for the divorce and the court does not decide which spouse is at fault. Irreconcilable differences only require the court to decide there are substantial reasons for not continuing the marriage, which make it appear the marriage should be dissolved.

WHAT ARE COMMON DIVORCE ISSUES RELATED TO SPOUSES?

- Spousal support, including alimony
- Dividing property between spouses
- Dividing debts between spouses
- Name change back to the pre-marriage last name

In North Dakota, property and debt are divided equitably (fairly), not equally, in a divorce. The court may redistribute property and debts after the divorce is granted if a spouse failed to disclose property and debts, or if a spouse fails to follow the terms of the court order distributing property and debts.

The court will consider the following when deciding whether to award spousal support and when deciding how to equitably divide property and debt:

- Age of each spouse,
- Earning ability,
- Length of the marriage,
- Conduct of each spouse during the marriage,
- Station in life,
- Circumstances and necessities of each spouse,
- Health and physical condition of each spouse,
- Financial circumstances as shown by property owned at the time, its value at the time, its income-producing capacity, if any, whether accumulated before or after the marriage, and
- Other matters that may be material.

A note about dividing pension or retirement plans:

Dividing pension plans and retirement accounts is extremely complicated. The spouses are responsible for making sure these assets are divided, which will require a separate court order to divide these assets. The separate court order is called a qualified domestic relations order (QDRO) and the parties are responsible for obtaining a proposed QDRO and presenting the proposed QDRO to the court. The court will not draft a QDRO document or an order including a QDRO.

The ND Legal Self Help Center does not have QDRO forms or instructions and cannot assist with drafting or obtaining QDRO's. Consulting a lawyer is strongly recommended when dividing a retirement asset!***

(If neither spouse has pension nor retirement plans, OR the spouses will keep their own pension or retirement plans, a QDRO is not necessary.)

WHAT ARE COMMON DIVORCE ISSUES RELATED TO CHILDREN?

- Residential responsibility of children, also known as custody
- Parenting time, also known as visitation
- Decision making responsibilities
- Child support
- Medical coverage, including health insurance premiums, copays, deductibles, etc.

When spouses cannot agree on custody and visitation, the court will decide based on the best interests of the children. The best interest factors are found in [§ 14-09-06.2 of the North Dakota Century Code](#).

Child Support:

Child support is based on guidelines set by the North Dakota Department of Human Services. If a parent can show a different ability to earn income than the guidelines show, the court may order a higher or lower child support payment.

The Child Support Division of the North Dakota Department of Human Services created and provides support for the Child Support Guidelines Calculator. The Calculator can be found at <http://www.nd.gov/dhs/services/childsupport/progserv/guidelines/guidelines.html>.

The Child Support Division may be able to provide some assistance with your child support calculations. (701-328-5440; 800-231-4255) Court personnel and staff of the ND Legal Self Help Center cannot assist with child support calculations.

THE CONTESTED DIVORCE PROCESS IN NORTH DAKOTA

PART ONE: THE PLAINTIFF STARTS THE CONTESTED DIVORCE ACTION BY SERVING THE SUMMONS AND COMPLAINT ON THE DEFENDANT

Service of a copy of the summons and complaint on the other spouse starts a divorce action in North Dakota. When the summons and complaint are served, both spouses must obey the restraining provisions contained in the summons.

The Plaintiff Creates the Following Documents:

- Summons
 - Review [Rule 8.4](#) of the North Dakota Rules of Court. Notifies the Defendant that the Plaintiff started the divorce process and the Defendant must file a written answer in order to participate in the case. See the fillable “Summons form – Divorce or Separation Actions” in the [Guide to Civil Action](#).
 - An example of a divorce summons is also found at the end of this Informational Guide.
- Complaint
 - Gives the court information about the Plaintiff and Defendant, their property and children. Tells the court what the Plaintiff is asking for from the court.
 - At minimum, the divorce complaint must include the following:
 - How the Plaintiff meets the residency requirements for divorce.
 - How this action is the only current divorce-related proceeding.
 - Identifying information for the Plaintiff and Defendant.
 - When and where the Plaintiff and Defendant married.
 - Whether the Plaintiff or Defendant are currently in the Armed Forces and if so, whether currently deployed or deploying.
 - The ground (reason) for the divorce action.
 - Identifying information for each of the children of the marriage, if any.
 - Whether the Plaintiff or Defendant is currently pregnant.
 - Statement of how the court has jurisdiction over custody decisions for the children of the marriage, if any.
 - If the information is included in a separate affidavit (see next bullet), refer to the affidavit.
 - If the required information from [§ 14-14.1-20](#) of the North Dakota Century Code is included in the complaint, the complaint must be verified. (See the “Verification form” in the [Guide to Civil Action](#).)
 - Statements related to child support and/or spousal support.

- Statements related to division of property and debt.
 - Whether the Plaintiff wishes to restore his or her name.
 - Requests for relief, also called demands for relief.
 - Tells the court what the Plaintiff wants the court to do.
- The Plaintiff will need to create and prepare their own Complaint document. The ND Legal Self Help Center does not have a Complaint form.
 - See the “Caption and Signature form” in the [Guide to Civil Action](#). The form may be of use as a starting point.
- Affidavit of Custody Jurisdiction (if children are part of the contested divorce action)
 - Plaintiff’s sworn, written statement required by [§ 14-14.1-20](#) of the North Dakota Century Code. The Affidavit must include:
 - Each child's present address or whereabouts;
 - The places where each child has lived during the last five years;
 - The names and present addresses of the persons with whom each child lived during the last five years;
 - Whether the Plaintiff has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with each child and, if so, identify the court, the case number, and the date of the child custody determination, if any;
 - Whether the Plaintiff knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and
 - Whether the Plaintiff knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.
 - **NOTE:** rather than creating a separate affidavit, the affidavit information may be added to the divorce complaint. If the affidavit information is added to the divorce complaint, the complaint must be verified. See the “Verification form” in the [Guide to Civil Action](#).
- Confidential Information Form
 - Review [Rule 3.4](#) of the North Dakota Rules of Court. Lists the full confidential information that is not allowed to appear in documents filed with the court. This form is not a part of the public court record. See the form in [Appendix H](#) of the North Dakota Rules of Court.

- An example of a confidential information form is also found at the end of this Informational Guide.

Make TWO copies of the completed Summons, TWO copies of the completed Complaint and TWO copies of the completed Affidavit of Custody Jurisdiction. Keep one copy of each for your records. The other copy of each document is for service on the Defendant.

A copy of the completed Confidential Information form is not served on the Defendant. You file the Confidential Information form with the Clerk of District Court later in the process.

The Plaintiff Arranges for Service of Copies of the Following Documents on the Defendant:

- Summons
- Complaint
- Affidavit of Custody Jurisdiction (if children are part of the contested divorce action)

Service of the summons and complaint on the Defendant starts the contested divorce action. Filing with the Clerk of District Court does not start a divorce action and is not required to start a divorce action.

Information about service to start a civil action and blank affidavit of service forms are available at www.ndcourts.gov/ndlshc by clicking on the "Service" link.

The completed affidavit of service document is your proof of service. Make a copy of the completed affidavit of service document for your records.

You file the original, completed affidavit of service document with the Clerk of District Court later in the process. The District Court will not act on your divorce action until you file proof of service.

If the Plaintiff is Unable to Locate the Defendant for Service:

If the Plaintiff, after making a diligent effort to locate the Defendant for service of the summons and complaint, is unable to locate the Defendant, service by publication may be available.

Email the ND Legal Self Help Center at ndselfhelp@ndcourts.gov and request information on service by publication.

PART TWO: THE DEFENDANT SERVES A WRITTEN ANSWER TO THE SUMMONS AND COMPLAINT ON THE PLAINTIFF

Service of the summons and complaint on the Defendant starts the contested divorce action. Filing with the Clerk of District Court does not start a divorce action and is not required to start a divorce action.

The Defendant has twenty-one (21) days, not including the date of service, to serve a written answer on the Plaintiff. If the Plaintiff is represented by a lawyer, serve the written answer on the lawyer. If the Defendant does not respond within twenty-one (21) days, not including the date of service, the Plaintiff can ask the court for a default judgment.

If the Defendant was served by publication, service by publication is complete fifteen (15) days after the first publication of the summons in the newspaper.

The Defendant Creates the Following Documents:

- Answer
 - Defendant's written response to the Plaintiff's complaint. If the Defendant has counterclaims related to the divorce, counterclaims are included in the answer. See the "Answer form" and the "Answer and Counterclaim form" in the [Guide to Civil Action](#).
- Affidavit of Custody Jurisdiction (if children are part of the contested divorce action)
 - Defendant's sworn, written statement required by [§ 14-14.1-20](#) of the North Dakota Century Code. The Affidavit must include:
 - Each child's present address or whereabouts;
 - The places where each child has lived during the last five years;
 - The names and present addresses of the persons with whom each child lived during the last five years;
 - Whether the Defendant has participated, as a party or witness or in any other capacity, in any other proceeding concerning the custody of or visitation with each child and, if so, identify the court, the case number, and the date of the child custody determination, if any;
 - Whether the Defendant knows of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions and, if so, identify the court, the case number, and the nature of the proceeding; and
 - Whether the Defendant knows the names and addresses of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child and, if so, the names and addresses of those persons.
 - **NOTE:** rather than creating a separate affidavit, the affidavit information may be added to the answer to the Plaintiff's complaint. If the affidavit information is added to the answer to the Plaintiff's complaint, the answer must be verified. See the "Verification form" in the [Guide to Civil Action](#).

- Confidential Information Form
 - Review [Rule 3.4](#) of the North Dakota Rules of Court. Lists the full confidential information that is not allowed to appear in documents filed with the court. This form is not a part of the public court record. See the form in [Appendix H](#) of the North Dakota Rules of Court.
 - An example of a confidential information form is also found at the end of this Informational Guide.

Make TWO copies of the completed Answer and TWO copies of the completed Affidavit of Custody Jurisdiction. Keep one copy of each for your records. The other copy of each document is for service on the Plaintiff, or the Plaintiff's lawyer.

A copy of the completed Confidential Information form is not served on the Plaintiff. You file the Confidential Information form with the Clerk of District Court later in the process.

The Defendant Arranges for Service of Copies of the Following Documents on the Plaintiff:

- Answer
- Affidavit of Custody Jurisdiction (if children are part of the contested divorce action)

If the Plaintiff is represented by a lawyer, serve the copy of the answer and affidavit of custody jurisdiction on the lawyer.

Information about service after a civil action has started and blank affidavit of service forms are available at www.ndcourts.gov/ndlshc by clicking on the "Service" link.

The completed affidavit of service document is your proof of service. Make a copy of the completed affidavit of service document for your records.

You file the original, completed affidavit of service document with the Clerk of District Court later in the process. The District Court will not act on your divorce action until you file proof of service.

If the Defendant Does Not Answer the Summons and Complaint:

If the Defendant does not serve a written answer to the summons and complaint on the Plaintiff within the required timeline, the Plaintiff may request a default divorce.

The Plaintiff may request a default divorce if the Plaintiff can prove to the court that the Defendant was served the summons and complaint correctly and did not answer. The request is made in a written motion to the court.

Email the ND Legal Self Help Center at ndselfhelp@ndcourts.gov and request information on making a motion for a default divorce.

PART THREE: REQUIRED MEETING OF SPOUSES; FILING OF SUMMONS AND COMPLAINT; FILING OF ANSWER; DISCOVERY

Review [Rule 8.3](#) of the North Dakota Rules of Court carefully! Both spouses are required to meet and prepare written information within 30 days after the Plaintiff serves the summons and complaint on the Defendant.

Within 30 Days After Service of the Summons and Complaint, Both Spouses Must Meet with Each Other to Prepare the Following Documents:

- Joint Informational Statement
 - See the example in [Appendix C](#) of the North Dakota Rules of Court.
 - An example of a joint informational statement form is also found at the end of this Informational Guide.
- Preliminary Property and Debt Listing
 - See the example in [Appendix E](#) of the North Dakota Rules of Court.
 - An example of a property and debt listing form is also found at the end of this Informational Guide.

The spouses may meet in person or by electronic means. If either spouse is represented, the lawyer is included in the meeting.

At minimum, the spouses must come to the meeting prepared to:

- Exchange information and documentary evidence relating to the existence and valuation of assets and liabilities;
- Exchange current paystubs, employment and income information, tax returns, preliminary pension information, and asset, debt and expense documentation;
- Determine what additional information is necessary in order to complete the divorce; and
- Decide whether alternative dispute resolution methods are appropriate.
 - Information about [Alternative Dispute Resolution](#) is available at www.ndcourts.gov.

File the Summons and Complaint, the Joint Informational Statement, and the Preliminary Property and Debt Listing Within 7 Days After the Meeting:

File the following original, completed documents with the Clerk of District Court and pay the \$80.00 filing fee:

- Summons
- Complaint

- Affidavit of Custody Jurisdiction (if children are part of the contested divorce action)
- Proof of Service of Summons, Complaint and Plaintiff's Affidavit of Custody Jurisdiction on Defendant
- Confidential Information Form
- Joint Informational Statement
- Preliminary Property and Debt Listing

If the Clerk of District Court accepts your documents for filing, a case number will be assigned.

The spouse who filed the above documents must serve notice of filing on the other spouse. See the "Notice of Filing form" in the [Guide to Civil Action](#).

For more information about filing documents in a civil court action, including when the Defendant may file the summons and complaint, see the "Filing Documents with the District Court" Section of the [Guide to Civil Action](#) at www.ndcourts.gov/ndlshc.

The Defendant Files the Answer:

Within a reasonable time after receiving notice of filing of the summons and complaint, the Defendant must file the following original, completed documents with the Clerk of District Court and pay the \$50.00 filing fee:

- Answer
- Defendant's Affidavit of Custody Jurisdiction (if children are part of the contested divorce action)
- Proof of Service of Answer and Defendant's Affidavit of Custody Jurisdiction on Plaintiff
- Defendant's Confidential Information Form

The Defendant must serve notice of filing the answer on the other spouse. See the "Notice of Filing form" in the [Guide to Civil Action](#).

You May Begin the Discovery Process:

Once the contested divorce starts, both spouses may begin the discovery process.

Discovery is a formal process where the Plaintiff and Defendant ask each other for information. The Plaintiff and Defendant may also ask non-parties for information.

For more information about discovery, see the "Discovery" Section of the [Guide to Civil Action](#) at www.ndcourts.gov/ndlshc.

PART FOUR: AFTER THE CONTESTED DIVORCE SUMMONS AND COMPLAINT ARE FILED WITH THE CLERK OF DISTRICT COURT

You May Be Referred to Family Mediation:

Within 10 days of filing the contested case, you may be referred to the Family Mediation Program for mediation of the disputed or unresolved parental rights and responsibilities issues. The Family Law Mediation Program will provide up to 6 hours of combined pre-mediation orientation and mediation at no cost to the spouses.

If your case is referred to the Family Mediation Program, you will receive an order and schedule for mediation. Read the order and schedule carefully, as you will need to follow the requirements and meet the deadlines.

The Court Issues a Scheduling Order:

Review [Rule 8.3](#) of the North Dakota Rules of Court.

Within 30 days after the summons and complaint and the joint informational statement are filed with the Clerk of District Court, the court must issue its scheduling order. The court may require a scheduling conference in-court or by telephone before issuing the scheduling order.

The scheduling order may establish any of the following deadlines for the contested divorce:

- Specific dates to complete discovery and other pretrial preparations;
- Specific dates for serving, filing, or hearing motions;
- Specific dates to complete mediation/alternative dispute resolution;
- A specific date for the parties to complete parent/divorce education;
- A specific date for filing the property and debt listing;
- Specific dates to complete parenting evaluations;
- A specific date by which the parties will be prepared for the pretrial conference;
- A specific date by which the parties will be prepared for the trial;
- A specific date for identification of witnesses and documents; and
- A specific date by which the parties will submit the parenting plans.

Read the order and schedule carefully, as you will need to follow the requirements and meet the deadlines.

Either Spouse May Request an Interim or Temporary Order:

Review [Rule 8.2](#) of the North Dakota Rules of Court.

Generally, either spouse can request an interim order after a contested divorce case is filed. This is a request for a temporary order for support, parental rights and responsibilities,

attorney's fees and costs, and use of property. The interim order, if signed by the court, is in effect until there is a different or final decision in the case.

The ND Legal Self Help Center does not have forms or instructions for making a motion for an interim order or answering a motion for an interim order. For more information about making and answering motions in a civil action, including the type of documents you will need to create, see the "Motions" Section of the [Guide to Civil Action](#) at www.ndcourts.gov/ndlshc.

Appointment of a Parenting Investigator or Guardian Ad Litem for the Child(ren):

Review [§ 14-09-06.3](#) and [§ 14-09-06.4](#) of the North Dakota Century Code. Review [Rule 8.6](#) and [Rule 8.11](#) of the North Dakota Rules of Court.

When one of the contested issues in a divorce is parenting rights and responsibilities, either spouse may petition the court to appoint a parenting investigator or a guardian ad litem to represent the child concerning parenting rights and responsibilities.

The court may require one or both spouses to pay the guardian ad litem or investigator fees.

If neither spouse is able to pay the fees, the court may require that the county pay the fees, in whole or in part. The court may then require one or both spouses to reimburse the county, in whole or in part, for payment of the fees.

Prepare Proposed Parenting Plans:

If your contested divorce involves children, a parenting plan is required to be part of the final divorce judgment.

If you and your spouse do not agree to a parenting plan, you will each likely need to prepare a proposed parenting plan as part of the contested divorce proceedings.

The State Bar Association of North Dakota created a Model North Dakota Parenting Plan that may be of interest to you. It is found in the Parenting Plan section of the Legal Services of North Dakota Family Law Manual. It is also found in the Forms section of the State Bar Association of North Dakota website of www.sband.org.

Spouses May Settle All or Part of the Issues in the Contested Divorce:

At any point during the contested divorce, spouses may discuss settlement of all or part of the issues.

If you and your spouse reach an agreement on an issue, prepare a written settlement agreement. This may also be referred to as a stipulation or a stipulated agreement. Written settlement agreements must be signed by both spouses in the presence of a notary public.

Written settlement agreements are filed with the Clerk of District Court.

Prepare for and Attend All Scheduled Hearings:

Various types of hearings may occur throughout your contested divorce. For example, you may have a hearing on a motion for an interim order, a scheduling conference, or a pre-trial conference.

You must attend all hearings that are scheduled unless you have received permission from the court not to attend.

You can ask the court for permission to attend a hearing by telephone or by some other reliable electronic means. The court is not required to grant this type of request. Forms and instructions for this request can be found at www.ndcourts.gov/ndlshc.

PART FIVE: PRE-TRIAL PREPARATION

If you and your spouse do not reach a settlement on all issues, your contested divorce will eventually go to trial. Issues on which you and your spouse do not agree will be decided by a District Court Judge.

Caution! Preparing for trial is often a complex and confusing process. You are held to same requirements and responsibilities as a lawyer, even if don't understand the rules or procedures. This informational guide gives only the basics of the process. You will need to conduct additional research to prepare.

Review pre-trial and trial guidebooks for self-represented litigants and lawyers. Your local public or academic library may have resources available.

Each Spouse Prepares and Serves a Pre-Trial Conference Statement:

Review [Rule 8.3](#) of the North Dakota Rules of Court and your scheduling order carefully! Each spouse is required to prepare the following document:

- Pre-Trial Conference Statement
 - See the example in [Appendix D](#) of the North Dakota Rules of Court.
 - An example of a pre-trial conference statement form is also found at the end of this Informational Guide.

The Plaintiff arranges for service of a copy of the Plaintiff's pre-trial conference statement on the Defendant.

The Defendant arranges for service of a copy of the Defendant's pre-trial conference statement on the Plaintiff.

Information about service after a civil action has started and blank affidavit of service forms are available at www.ndcourts.gov/ndlshc by clicking on the "Service" link.

At Least 14 Days Before the Date of the Pre-Trial Conference, Each Spouse Files Their Pre-Trial Conference Statement:

Each spouse must file the following original, completed documents with the Clerk of District Court at least 14 days before the date of the pre-trial conference:

- Pre-Trial Conference Statement
- Proof of Service of the Pre-Trial Conference Statement on the other spouse

Prepare for and Attend the Pre-Trial Conference:

Both spouses must attend the pre-trial conference, unless excused by the court.

The spouses must come to the pre-trial conference prepared to discuss settlement.

If a spouse is not excused by the court and fails to attend the pre-trial conference, the court may proceed without further notice to that spouse.

At Least 14 Days before the Date of the Trial, the Spouses File A Joint Property and Debt Listing:

Unless the court orders otherwise, the spouses are required to prepare and file the following document at least 14 days before the date of the trial:

- Joint Property and Debt Listing
 - See the example in [Appendix E](#) of the North Dakota Rules of Court.
 - An example of a property and debt listing form is also found at the end of this Informational Guide.

Each asset or liability must be numbered separately.

Finish Your Pre-Trial Preparations:

Review the [North Dakota Rules of Evidence](#) carefully! The North Dakota Rules of Evidence govern whether your evidence is admitted at trial. The Rules also govern how you object to evidence your spouse wants to admit at trial.

Review [Rule 45](#) of the North Dakota Rules of Civil Procedure carefully! If you require a witness to appear at trial or require production of documents, electronically stored information or other tangible things, you may need the Clerk of District Court to issue a subpoena. Only a Clerk of District Court or a lawyer for a party may issue a subpoena.

Organize the information, documents, etc. that you think you will need for the trial. At minimum, prepare an outline of your remarks and arguments.

PART SIX: TRIAL

The trial is an examination of the facts and law, presided over by the judge. The trial is the final hearing in a contested divorce action. The decision of the judge is called a judgment.

Caution! Representing yourself at trial is often a complex and confusing process. You are held to same requirements and responsibilities as a lawyer, even if don't understand the rules or procedures. This informational guide gives only the basics of the process. You will need to conduct additional research to prepare.

Review pre-trial and trial guidebooks for self-represented litigants and lawyers. Your local public or academic library may have resources available.

Arrive Early to the Courthouse on the Date of the Trial:

Do not miss your trial date and time. If you have a serious, unavoidable reason you cannot get to court on the date and time scheduled for trial, call the Clerk of District Court as soon as you can.

Conduct of the Trial:

The judge, in a contested divorce trial, hears both sides and then issues a final judgment. Sometimes, the final judgment is issued at the end of the trial. Often, the final judgment is issued at a later date.

In general, a trial in a contested divorce action proceeds in the following order:

- Opening Statements
 - Each spouse gives an opening statement. Usually, the Plaintiff goes first.
- Plaintiff Presents Witnesses and Evidence
 - The Plaintiff presents their case first. The Defendant may cross-examine witnesses and object to the Plaintiff's evidence.
- Defendant Presents Witnesses and Evidence
 - The Defendant presents their case after the Plaintiff. The Plaintiff may cross-examine witnesses and object to the Defendant's evidence.
- Closing Arguments
 - Each spouse gives a closing argument. Usually, the Plaintiff goes first.

Before You Leave the Courthouse:

Make sure you understand what happens next. Ask if you are not sure what, if anything, you need to do next.

PART SEVEN: FINAL JUDGMENT

You are not divorced until a final judgment of divorce is signed by the judge and filed with the Clerk of District Court.

Proposed Findings of Fact, Conclusions of Law and Order for Judgment:

Review [Rule 52](#) of the North Dakota Rules of Civil Procedure and [Rule 7.1](#) of the North Dakota Rules of Court carefully!

Findings of fact are the judge's written determination of the facts made from the evidence presented. This explains what facts the judge found to be true.

Conclusions of law are the rulings of law made by the judge based on, or in connection with, the findings of fact. These are the legal consequences of the facts the judge found to be true.

If applicable, the parenting plan must be included in the conclusions of law, or incorporated by reference into the conclusions of law if the parenting plan is a separate document.

The judge may require one or both spouses to prepare and file proposed findings of fact, conclusions of law and an order for judgment. The proposed findings of fact, conclusions of law and an order for judgment must also be served on all parties, and proof of service filed with the Clerk of District Court.

The judge will decide whether the proposed findings of fact, conclusions of law and order for judgment are appropriate. If the judge decides they are appropriate, the judge will sign and date the findings of fact, conclusions of law and order for judgment. The findings of fact, conclusions of law and order for judgment are not official until signed and dated by the judge.

Proposed Judgment:

Review [Rule 54](#) of the North Dakota Rules of Civil Procedure and [Rule 7.1](#) of the North Dakota Rules of Court carefully!

The judgment is the written order of the judge's final decision in your contested divorce.

If applicable, the parenting plan must be included in the judgment, or incorporated by reference into the judgment if the parenting plan is a separate document.

The judge may require one or both spouses to prepare and file a proposed judgment. The proposed judgment must also be served on all parties, and proof of service filed with the Clerk of District Court.

The judge will decide whether the proposed judgment is appropriate. If the judge decides it is appropriate, the judge will sign and date the judgment. You are not divorced until a final judgment of divorce is signed by the judge and filed with the Clerk of District Court.

Notice of Entry of Judgment

Review [Rule 58](#) of the North Dakota Rules of Civil Procedure.

Within 14 days after the judgment is entered, the prevailing spouse must serve notice of entry of judgment on the other spouse. A copy of the judgment must be included with the notice of entry of judgment. See the “Notice of Entry of Judgment form” in the [Guide to Civil Action](#).

After service is complete, the prevailing spouse must file the original, completed Notice of Entry of Judgment and proof of service on the other spouse with the Clerk of District Court.

Examples of the divorce forms listed below are found on the following pages.

- **Summons in Action for Divorce (Appendix A)**
- **Confidential Information Form (Appendix H)**
- **Informational Statement (Appendix C)**
- **Pretrial Conference Statement (Appendix D)**
- **Confidential Property and Debt Listing (Appendix E)**

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Plaintiff))
)
PLAINTIFF,)
)
Vs)
)

(Defendant))
)
DEFENDANT,)

Case No. _____

SUMMONS

THE STATE OF NORTH DAKOTA TO THE ABOVE NAMED DEFENDANT:

YOU ARE HEREBY SUMMONED and required to appear and defend against the Complaint in this action, which is served upon you, by serving upon the undersigned an Answer or other proper response within twenty-one (21) days after the service of this Summons and Complaint upon you, exclusive of the day of service.

If you fail to do so, judgment by default will be taken against you for the relief demanded in the Complaint.

NOTICE OF TEMPORARY RESTRAINING PROVISIONS

Under Rule 8.4 of the North Dakota Rules of Court, upon service of this Summons, you, and your spouse, are bound by the following restraints:

1. Neither spouse shall dispose of, sell, encumber, or otherwise dissipate any of the parties' assets, except:
 - a. For necessities of life or for the necessary generation of income or preservation of assets; or
 - b. For retaining counsel to carry on or to contest the proceeding.

If a spouse disposes of, sells, encumbers, or otherwise dissipates assets during the interim period, that spouse shall provide to the other spouse an accounting within thirty (30) days.

2. Neither spouse shall harass the other spouse.
3. All currently available insurance coverage must be maintained and continued without change in coverage or beneficiary designation.
4. Except for temporary periods, neither spouse may remove any of their minor children from North Dakota without the written consent of the other spouse or order of the court.

IF EITHER SPOUSE VIOLATES ANY OF THESE PROVISIONS, THAT SPOUSE MAY BE IN CONTEMPT OF COURT.

Dated this _____ day of _____, 20____

_____, Plaintiff
(Signature of Plaintiff)

(Printed Name of Plaintiff)

_____ (Address),

City of _____, North Dakota _____

Dated this _____ day of _____, 20____

Clerk of Court

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Plaintiff)

PLAINTIFF,

Vs

(Defendant)

DEFENDANT.

Case No. _____

CONFIDENTIAL INFORMATION FORM

FULL INFORMATION

REDACTED INFORMATION

PLAINTIFF:

Name: _____

Date of Birth: _____

Social Security #: _____

Year of Birth: _____

XXX-XX-_____

DEFENDANT:

Name: _____

Date of Birth: _____

Social Security #: _____

Year of Birth: _____

XXX-XX-_____

MINOR CHILD:

Name: _____

Date of Birth: _____

Social Security #: _____

Initials: _____

Year of Birth: _____

XXX-XX-_____

MINOR CHILD:

Name: _____

Date of Birth: _____

Social Security #: _____

Initials: _____

Year of Birth: _____

XXX-XX-_____

MINOR CHILD:

Name: _____

Date of Birth: _____

Social Security #: _____

Initials: _____

Year of Birth: _____

XXX-XX-_____

FULL INFORMATION

REDACTED INFORMATION

FINANCIAL ACCOUNT NUMBERS:

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Name of Account: _____

Account Number: _____

Last 4 Digits: _____

Dated this _____ day of _____, 20_____

_____, ☐Plaintiff (OR) ☐Defendant
(Signature)

(Printed Name)

(Address, City, State, Zip Code)

(Telephone Number)

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Plaintiff)

PLAINTIFF,

Vs

(Defendant)

DEFENDANT.

)
)
)
)
)
)
)
)
)
)

Case No. _____

RULE 8.3, N.D.R.Ct.,
INFORMATIONAL STATEMENT

1. This case involves the following (*check all that apply and supply estimates where indicated*):

a. Minor children: ☐ No ☐ Yes Number _____

1) Parenting dispute: ☐ No ☐ Yes

Specify: _____

2) Visitation dispute: ☐ No ☐ Yes

Specify: _____

3) Child support dispute: ☐ No ☐ Yes

Specify: _____

b. Property dispute: ☐ No ☐ Yes

1) Identify the nature of the dispute (*i.e. identification, valuation, disposition*):

2) Complex valuations issues: ☐ No ☐ Yes Specify:

c. Spousal support dispute: ☐ No ☐ Yes

2. It is estimated that the discovery specified below can be completed within _____ months from the date of this form. (*Check all that apply and supply estimates where indicated.*)

a. Written discovery: ☐ No ☐ Yes

b. Factual depositions: ☐ No ☐ Yes

Identify the persons who will be deposed by either party:

c. Medical/Vocational/Parenting Evaluations: ☐ No ☐ Yes

Identify the person who will conduct such evaluations [for either party]:

d. Experts: ☐ No ☐ Yes

Identify any experts or area of expertise for either party:

3. The dates and deadlines below are suggested.

a. _____ Deadline for filing motion regarding:

b. _____ Deadline for completion and review of property valuation.

c. _____ Deadline for completion and review of mediation/alternative dispute resolution.

d. _____ Deadline for completion of parent education.

e. _____ Deadline for completion and review of parenting evaluation.

f. _____ Date for pretrial conference.

g. _____ Date for trial.

4. Estimated length of trial: _____.

5. Please list any additional information, which might be helpful to the court when scheduling this matter, including, e.g., facts that will affect readiness for trial:

6. The parties believe a scheduling conference is necessary. ☐No ☐Yes

Telephone or In Court _____

(Date)

(Date)

(Plaintiff)

(Defendant)

(Attorney for Plaintiff)

(Attorney for Defendant)

(Address)

(Address)

(City, State, Zip Code)

(City, State, Zip Code)

(Telephone Number/Email)

(Telephone Number/Email)

(Attorney Identification Number)

(Attorney Identification Number)

IN DISTRICT COURT

____ JUDICIAL DISTRICT

RULE 8.3, N.D.R.Ct., PRETRIAL
CONFERENCE STATEMENT

2. EMPLOYMENT/INCOME

Provide the following data for each employer:

| | <u>PLAINTIFF</u> | <u>DEFENDANT</u> |
|---|------------------|------------------|
| A) Name of Employer | _____ | _____ |
| Length of Employment | _____ | _____ |
| Income Per Month: | | |
| (1) Gross income | _____ | _____ |
| Guideline deductions: | | |
| Federal Income Tax | _____ | _____ |
| State Income Tax | _____ | _____ |
| FICA/Medicare | _____ | _____ |
| Health Insurance for children | _____ | _____ |
| Union dues | _____ | _____ |
| Mandatory retirement | _____ | _____ |
| (2) Subtotal of Guideline Deductions | _____ | _____ |
| (3) Net Income (Line 1-Line 2) | _____ | _____ |
| Other guideline considerations | | |
| Specify: | _____ | _____ |
| (4) Subtotal of Other Deductions | _____ | _____ |
| (5) NET TAKEHOME PAY (Line 3-Line 4) | _____ | _____ |
| Tax withholding figures above are based upon Married or Single taxpayer with # of exemptions (Example M-4 or S-2) | _____ | _____ |
| B) Employment benefits: Identify all benefits in addition to wages, including bonuses paid or due, automobile or travel expense reimbursement, other per diem compensation, memberships paid by the employer or in kind benefits. | _____ | _____ |

C) Other Income:

| | | |
|---|-------|-------|
| (1) Public Assistance Per Month (AFDC/GA) | _____ | _____ |
| (2) Social Security, Including Child Benefits, Per Month | _____ | _____ |
| (3) Unemployment/Worker's Compensation Per Month | _____ | _____ |
| (4) Interest Income Per Month | _____ | _____ |
| (5) Dividend Income Per Month | _____ | _____ |
| (6) Other Income Per Month | _____ | _____ |
| (7) Last Year's Tax Refunds Federal | _____ | _____ |
| State | _____ | _____ |

3. CHILD SUPPORT/SPOUSAL SUPPORT

A) Child or spousal support established in separate proceeding:

(1) Is either party entitled to child or spousal support from a separate proceeding?

☐Yes ☐No. If yes, for each party entitled to child or spousal support, specify the amount: \$_____.

(2) Is either party required to pay child or spousal support from a separate proceeding?

☐Yes ☐No. If yes, for each party required to pay child or spousal support, specify the amount: \$_____.

B) Child or spousal support established by temporary order in this proceeding:

(1) Is either party required to pay child or spousal support under a temporary order in this proceeding? ☐Yes ☐No. If yes, specify the amount: Child Support \$_____. Spousal Support \$_____.

(2) Is any arrearage claimed under an existing temporary order? ☐Yes ☐No. If yes, specify the amount: Child Support \$_____. Spousal Support \$_____.

4. LIVING EXPENSES

Specify the amount of your total monthly expenses \$_____; and attach an itemized list of your monthly expenses.

5. REAL PROPERTY (For Each Parcel of Property)

A) Description of Property _____

(1) In Possession of _____
(2) Date Acquired/Age _____
(3) Purchase Price \$ _____
(4) Present FMV (Date of Valuation) \$ _____
(5) First Mortgage Balance \$ _____
(6) Second Mortgage Balance or
Home Improvement Loan \$ _____
(7) Net Value \$ _____
(8) Monthly Payment \$ _____
(9) Income from Property \$ _____

6. BUSINESS/FARM ASSETS (For Each Asset)

A) Description of Asset _____

(1) In Possession of _____
(2) Date Acquired/Age _____
(3) Purchase Price \$ _____
(4) Present FMV (Date of Valuation) \$ _____
(5) Debt Balance \$ _____
(6) Net Value \$ _____
(7) Monthly Payment \$ _____
(8) Income from Property \$ _____

7. FINANCIAL ASSETS (For Each Asset)

A) Description of Asset _____

(1) In Possession of _____
(2) Date Acquired/Age _____
(3) Purchase Price \$ _____
(4) Present FMV (Date of Valuation) \$ _____
(5) Debt Balance \$ _____
(6) Net Value \$ _____

8. LIFE INSURANCE (For Each Policy)

A) Description of Policy _____
(1) Name of Company _____
(2) Policy Number _____
(3) Type of Insurance _____
(4) Face Amount _____
(5) Cash Value _____
(6) Loans _____
(7) Insured _____
(8) Beneficiary _____
(9) Owner _____

9. PENSION PLAN AND/OR PROFIT SHARING PLAN

| | <u>PLAINTIFF</u> | <u>DEFENDANT</u> |
|--|--|--|
| A) Through employment: | | |
| (1) Value | _____ | _____ |
| B) Private Plans (IRA, Koegh, SEP) Value | _____ | _____ |
| C) Deferred Compensation Value | _____ | _____ |
| D) Military Pension or Disability | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No |

10. PERSONAL PROPERTY (For Each Asset)

A) Household Items in Plaintiff's Possession

| <u>Description of Item</u> | <u>Value</u> |
|----------------------------|--------------|
| (1) _____ | _____ |
| (2) _____ | _____ |

B) Household Items in Defendant's Possession

| <u>Description of Item</u> | <u>Value</u> |
|----------------------------|--------------|
| (1) _____ | _____ |
| (2) _____ | _____ |

C) Household Items in Joint Possession

| <u>Description of Item</u> | <u>Value</u> |
|----------------------------|--------------|
| (1) _____ | _____ |
| (2) _____ | _____ |

D) Motor Vehicles (For Each Asset)

| | |
|----------------------|-------|
| (1) Year, Make Model | _____ |
| (a) In Possession of | _____ |
| (b) Market Value | _____ |
| (c) Encumbrances | _____ |
| (d) Net Value | _____ |
| (e) Monthly Payments | _____ |

E) Boats, Campers, Snowmobiles, Trailers (For Each Asset)

| | |
|----------------------|-------|
| (1) Year, Make Model | _____ |
| (a) In Possession of | _____ |
| (b) Market Value | _____ |
| (c) Encumbrances | _____ |
| (d) Net Value | _____ |
| (e) Monthly Payments | _____ |

F) Other Personal Property (For Each Asset)

| | |
|-------------------------|-------|
| (1) Description of Item | _____ |
| (a) In Possession of | _____ |
| (b) Market Value | _____ |
| (c) Encumbrances | _____ |
| (d) Net Value | _____ |
| (e) Monthly Payments | _____ |

11. DEBTS (Not listed previously)

A) Secured Debts:

- (1) Secured debt: _____
- (a) Creditor _____
- (b) Total Amount Owing \$ _____
- (c) Monthly Payment \$ _____
- (d) When Incurred _____
- (e) Party Obligated _____
- (f) Consideration _____
- (g) Date of final payment _____

TOTALS: Plaintiff \$ _____ Defendant \$ _____ Joint \$ _____

B) Unsecured Debts: (Include Attorney's Fees and Costs)

- (1) Unsecured debt: _____
- (a) Creditor _____
- (b) Total Amount Owing \$ _____
- (c) Monthly Payment \$ _____
- (d) When Incurred _____
- (e) Party Obligated _____
- (f) Consideration _____
- (g) Date of final payment _____

TOTALS: Plaintiff \$ _____ Defendant \$ _____ Joint \$ _____

I hereby represent that the above is a complete disclosure of all property interests and liabilities, and that the values set forth are the best estimates of the property's market value.

(Date)

_____, ☐Plaintiff (OR) ☐Defendant
(Signature)

_____, Bar ID # _____
(Attorney for ☐Plaintiff (OR) ☐Defendant)

(Address, City, State, Zip Code)

(Telephone Number/Email)

IN DISTRICT COURT

COUNTY OF _____

_____ JUDICIAL DISTRICT

(Plaintiff)

PLAINTIFF,

 V_S

(Defendant)

DEFENDANT.

Case No. _____

RULE 8.3, N.D.R.Ct., CONFIDENTIAL
PROPERTY AND DEBT LISTING

ASSETS

PlaintiffDefendant

Court

REAL ESTATE

1.

2.

3.

BUSINESS/FARM ASSETS

4.

5.

6.

FINANCIAL ASSETS

7.

8.

9.

RETIREMENT/PENSION ASSETS

10.

11.

12.

VEHICLES

13.

14.

15.

| | <u>Plaintiff</u> | <u>Defendant</u> | <u>Court</u> |
|-----------------|------------------|------------------|--------------|
| HOUSEHOLD GOODS | | | |
| 16. | _____ | _____ | _____ |
| 17. | _____ | _____ | _____ |
| 18. | _____ | _____ | _____ |

DEBTS

| | | | |
|-----|-------|-------|-------|
| 19. | _____ | _____ | _____ |
| 20. | _____ | _____ | _____ |
| 21. | _____ | _____ | _____ |

SUMMARY

| | | | |
|---------------------------|-------|-------|-------|
| REAL ESTATE | _____ | _____ | _____ |
| BUSINESS/FARM ASSETS | _____ | _____ | _____ |
| FINANCIAL ASSETS | _____ | _____ | _____ |
| RETIREMENT/PENSION ASSETS | _____ | _____ | _____ |
| VEHICLES | _____ | _____ | _____ |
| HOUSEHOLD GOODS | _____ | _____ | _____ |
| DEBTS | _____ | _____ | _____ |
| TOTAL | _____ | _____ | _____ |

Dated this _____ day of _____, 20____.

(Plaintiff's Signature)

Subscribed and sworn to before me this _____ day of _____,
20_____.

(Notary Public or Clerk of Court)

Dated this _____ day of _____, 20_____.

(Defendant's Signature)

Subscribed and sworn to before me this _____ day of _____,
20_____.

(Notary Public or Clerk of Court)